

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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**KHALIF GOLDWIRE**

**Plaintiff,**

**v.**

**CITY OF PHILADELPHIA, et al.,**

**Defendants.**

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**Civil Action  
No. 2:14-cv-05935-MAK**

**ORDER**

AND NOW, to wit, on this \_\_\_\_\_ day of \_\_\_\_\_, 2024, it is ORDERED AND DECREED that the Defendant City of Philadelphia's Motion to Enforce Settlement is GRANTED as follows:

1. Plaintiff shall execute the Release provided by Defendant City of Philadelphia and shall deliver the Release to the City of Philadelphia Law Department within ten (10) days of the date of this Order.

2. Having granted the Defendant City of Philadelphia's Motion to Enforce Settlement, this case is DISMISSED WITH PREJUDICE pursuant to Local R. Civ. P. 41.1(b).

BY THE COURT:

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Mark A. Kearney, U.S.D.J.

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**DEFENDANTS' MOTION TO ENFORCE SETTLEMENT OF THIS MATTER**

To the Honorable Mark A. Kearney:

Defendant, the City of Philadelphia, by and through its undersigned counsel, moves to enforce the settlement of this case, and in support hereof represents:

1. On January 22, 2024, Plaintiff accepted an offer from Defendant, the City of Philadelphia, of \$11,000.00 to settle the instant case. (*See* January 22, 2024 email correspondence from Attorney Taylor to Attorney Boyce Furey, attached hereto as Exhibit A<sup>1</sup> at pages 6-7.)

2. The same day, counsel for the City sent Plaintiff's counsel a release to be signed and returned to the City in order to process payment of the settlement. (*Id* and *see* Release, attached hereto as Exhibit B).

3. Thereafter, Attorney Taylor followed up with Attorney Boyce Furey on April 18, 2024, who responded that she was making efforts to get the release signed. (*See* Exhibit A at 5).

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<sup>1</sup> Exhibit A was redacted to protect confidential settlement communications in an unrelated case.

4. Thereafter, Attorney Faris followed up with Attorney Boyce Furey on May 14, 2024 and Attorney Boyce Furey indicated her client had been hospitalized and she was making efforts to get the release signed. (*See* Exhibit A at 1-4).

5. Thereafter Attorney Boyce Furey contacted Attorney Faris with an update that Plaintiff was willing to sign the release on May 30, 2024. On May 31, 2024 Attorney Faris inquired about an update on the signature and Attorney Boyce Furey indicated that her client refused to sign the release and suggested this motion be filed. (*See* Email correspondence from May 29, 2024-May 31, 2024, attached hereto as Exhibit C.).

6. Courts in this jurisdiction have repeatedly granted motions to enforce unsigned settlement agreements where—as in this case—there is no dispute over the terms of the agreement. *See, e.g., Walton v. Tandy Corp.*, No. 01–1966, 2002 U.S. Dist. LEXIS 17308 (E.D. Pa. Sept. 11, 2002); *Kasser Industries, Inc. v. Yohalem Gillman & Co.*, No. 89–6640, 1990 U.S. Dist. LEXIS 7689, 1990 WL 87509 (E.D. Pa. June 18, 1990); *Kozierachi v. Perez*, No. 2:10-CV-7570-CDJ, 2014 WL 1378268, at \*3 (E.D. Pa. Apr. 7, 2014).

7. Defendant hereby respectfully requests that this Court order Plaintiff to deliver an executed release to counsel for the City, within ten (10) days of the date of the Order.

8. Defendant further requests that this Court dismiss this action with prejudice pursuant to Local R. Civ. P. 41.1(b), as this case has settled.

**WHEREFORE**, Defendant City of Philadelphia respectfully requests that this Motion to Enforce Settlement be granted.

Respectfully submitted,

Date: May 31, 2024

/s/ Kathryn Faris

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**CERTIFICATE OF SERVICE**

I hereby certify that on this date a copy of Defendants' Joint Motion to Enforce Settlement was filed via ECF and is available for viewing and downloading via the ECF system.

Respectfully submitted,

Date: May 31, 2024

/s/ Kathryn Faris

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